

REMARKS

In the Office Action dated October 1, 2004, the Abstract is objected to for containing the phrase “The present invention ...” Pending claims 10 and 13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Further, pending claims 1, 2, 4, 7, and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,141,252 (“Mullen”). Pending claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 2,177,948 (“Riley”) in view of Mullen. Claims 5, 6, 11 through 13, and 15 through 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Riley in view of Mullen as applied to claim 4, and further in view of U.S. Patent No. 2,742,724 (“Fleiss”). Finally, claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Riley in view of Mullen as applied to claim 4, and further in view of U.S. Patent No. 1,854,861 (“Reeves”).

Abstract

The Examiner objects to the Abstract for using the phrase “The present invention...” Applicant amends the specification to remove the use of the phrase “The present invention...” Applicant respectfully submits that the Abstract is now in condition for allowance.

35 U.S.C. §112

Pending claims 10 and 13 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. In response thereto, Applicant amends claim 10 to claim

structure to support the pocket being attached to the front panel section in an assembled state and attached to the back panel section in an unassembled state. Applicant cancels claim 13 for reasons unrelated to the rejection by the Examiner. Applicant, therefore, respectfully submits that claim 10 is allowable and respectfully requests the Examiner to remove the rejection thereof.

35 U.S.C. §102

Pending claims 1, 2, 4, 7, and 18 stand rejected under 35 U.S.C. §102(b) as being anticipated by Mullen. Applicant amends independent claim 1 by adding the limitation of claim 8. As indicated by the Examiner, claim 8 would be allowable if rewritten in independent form. Applicant has done so and respectfully requests the Examiner remove the rejection and submits the claim as allowable. As claims 2, 4, and 7 depend, either directly or indirectly, and add additional limitations thereto, Applicant submits that claims 2, 4, and 7 are allowable. Claim 18 has been cancelled without prejudice.

35 U.S.C. §103(a)

Pending claims 3 and 4 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Riley in view of Mullen. As claims 3 and 4 depend, either directly or indirectly, from claim 1 and add additional limitations thereto, the argument above for claim 1 applies hereto. Therefore, Applicant submits that claims 3 and 4 are allowable.

Claims 5, 6, 11 through 13, and 15 through 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Riley in view of Mullen, and further in view of Fleiss. As claims 5 and 6 depend, either directly or indirectly, from claim 1 and add additional limitations thereto, the

argument above for claim 1 applies hereto. Therefore, Applicant submits that claims 5 and 6 are allowable.

Further, Applicant cancels claim 11 and adds independent claims 20 and 22 instead to more particularly claim that which the Applicant intends as the invention. Newly added independent claims 20 and 22 are distinguishable over all of the references cited by the Examiner. In particular, no reference cited by the Examiner discloses or teaches a display insert for a tire that comprises a back panel having a plurality of flexible tabs, wherein the tabs are inserted into the tire and are not pivoted to a non-flexible position within the tire, or a back panel having a plurality of flexible tabs wherein the back panel does not require an interlocking structure to secure the back panel within the tire.

As stated by the Examiner, Riley, Fleiss, and Reeves do not disclose or teach flexible tabs, as required by Applicant's newly added independent claims 20 and 22. Additionally, as stated in column 2, lines 51 through 63 of Mullen, the triangular easel is held in its supporting and locking position to firmly hold the lugs. The tabs, therefore, are pivoted to a non-flexible position within the tire. This is clearly in contradiction to newly added claim 20. Further, according to column 3, line 5 through 9 of Mullen, the final step of securing the sign to the tire requires folding the easel blank 20 to form the triangular easel 35 by the tab 36 being inserted through the slit 37. Similarly, this is in contradiction to Applicant's newly added claim 22. Mullen requires an interlocking structure of the back panel to secure the back panel within the tire. Therefore, independent claims 20 and 22 are patentably distinguishable over the prior art.

As claims 5, 6, 12, and 15 through 17 depend, either directly or indirectly, from independent claims 1 and 20 and add additional limitations thereto, Applicant submits that claims 5, 6, 12, and 15 through 17 are allowable for the reasons stated above.

Claims 9 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Riley in view of Mullen, and further in view of Reeves. As claims 9 and 10 depend, either directly or indirectly, from claim 1 and add additional limitations thereto, Applicant submits that claims 9 and 10 are allowable.

Finally, Applicants add new claims 19, 21, 23, and 24 that depend, either directly or indirectly, from independent claims 20 and 22 and add additional limitations thereto, Applicant submits that claims 19, 21, 23, and 24 are allowable for the reasons stated above.

In light of the foregoing, Applicant submits that the application is in condition for allowance.

Respectfully submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Martha A. Dempsey Group Art Unit: 3611
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Title: DISPLAY INSERT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

Dear Sir:

I hereby certify that these papers are being deposited with the United States Postal Service with sufficient postage as first class mail on the date below and in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, Alexandria, VA 22313-1450.

December 7, 2004

Date of Deposit

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